

*This opinion is nonprecedential except as provided by  
Minn. R. Civ. App. P. 136.01, subd. 1(c).*

**STATE OF MINNESOTA  
IN COURT OF APPEALS  
A23-0424**

Rosa Maria Maldonado Lopez,  
Respondent,

vs.

Brooke Lea Simpson,  
Appellant.

**Filed December 11, 2023  
Affirmed  
Larkin, Judge**

Ramsey County District Court  
File No. 62-HR-CV-22-1264

Rosa Marie Maldonado Lopez, New Brighton, Minnesota (pro se respondent)

Brooke Lea Simpson, New Brighton, Minnesota (pro se appellant)

Considered and decided by Larkin, Presiding Judge; Johnson, Judge; and Frisch,  
Judge.

**NONPRECEDENTIAL OPINION**

**LARKIN**, Judge

Appellant challenges the district court's grant of a harassment restraining order (HRO), arguing that the record does not support the district court's finding of harassment, the district court erroneously based the HRO on an exhibit that she submitted at the HRO hearing, and the HRO violated her First Amendment rights. We affirm.

## FACTS

On November 10, 2022, respondent Rosa Maria Maldonado Lopez petitioned for an HRO against appellant Brooke Lea Simpson. Lopez and Simpson are next-door neighbors. Lopez alleged that Simpson kept surveillance cameras pointed at Lopez's house, took video and photos of Lopez while Lopez was outside her house, and drove around flashing her car lights at Lopez.

In February 2023, the parties appeared for a hearing on Lopez's petition. Lopez testified that Simpson filmed Lopez and her property without Lopez's permission and that Simpson was "always recording" her whenever Lopez went outside her house. Simpson testified that she took video footage of Lopez because every time Simpson entered her house, Lopez would exit her house or immediately pull her car up to Simpson's house.

Simpson admitted several exhibits at the hearing. Relevant to this appeal, Simpson submitted a ten-page Excel spreadsheet that she had created, which described when Lopez and others were near Simpson's home. The spreadsheet included columns with the date, time of occurrence, who was present, notes about the encounter, and embedded links to Simpson's videos of Lopez on the internet. For example, the spreadsheet noted that on March 29, 2022, at 7:57 p.m., "[t]hey [including Lopez], pull in as soon as [Simpson's family] do." The spreadsheet noted that one minute later, Lopez "go[es] in." The spreadsheet also stated that on August 5, 2022, Lopez was present at 4:57 p.m., 4:59 p.m., and 5:02 p.m., and that during those times, "[Lopez] [came] out to [SUV]," "[Lopez] to [SUV] again left," and "[Lopez] just drove [SUV] to . . . ." The spreadsheet documents conduct occurring between March 2022 and January 2023.

The district court issued an HRO against Simpson for a period of two years, finding that she harassed Lopez by “monitor[ing]” her, “creat[ing] an Excel spreadsheet documenting [Lopez’s] movements,” and “film[ing] [Lopez] and her property.” The court ordered Simpson to have no direct or indirect contact with Lopez and prohibited Simpson from being within fifteen feet of Lopez’s home, with exceptions for accessing and maintaining Simpson’s property. The district court also allowed Simpson to maintain her security cameras, which had filmed Lopez and her guests.

Simpson appeals.

## **DECISION**

### **I.**

Simpson contends that the evidence was insufficient to sustain the grant of the HRO. The district court may grant an HRO if “the court finds . . . that there are reasonable grounds to believe that the respondent has engaged in harassment.” Minn. Stat. § 609.748, subd. 5(b)(3) (2022). Harassment includes “repeated incidents of intrusive or unwanted acts, words, or gestures that have a substantial adverse effect or are intended to have a substantial adverse effect on the safety, security, or privacy of another.” Minn. Stat. § 609.748, subd. 1(a)(1) (2022).

We review a district court’s grant of an HRO for an abuse of discretion. *Kush v. Mathison*, 683 N.W.2d 841, 843 (Minn. App. 2004), *rev. denied* (Minn. Sept. 29, 2004). “[T]his court will reverse the issuance of a restraining order if it is not supported by sufficient evidence.” *Id.* at 844. The district court’s findings of fact “shall not be set aside

unless clearly erroneous, and due regard shall be given to the opportunity of the [district] court to judge the credibility of the witnesses.” Minn. R. Civ. P. 52.01.

The district court issued the HRO primarily based on the spreadsheet that Simpson created and offered at the HRO hearing. The court stated:

A lot of what I heard the first day and today doesn’t rise to the level of harassment, but I believe that this Excel spreadsheet shows me that [Simpson’s] behavior rises to the level of harassment as defined by the Minnesota courts. And the fact that . . . [Simpson] [is] unable to see how [her] behavior might impact others makes me concerned [for Lopez].

Lopez testified that Simpson filmed Lopez and her property without Lopez’s permission and that Simpson was “always recording” her whenever she was in her own yard. Accordingly, the spreadsheet was relevant in that it corroborated Lopez’s testimony that Simpson harassed Lopez by observing and filming Lopez over a period of several months. Moreover, the spreadsheet provided sufficient evidence to show that Simpson engaged in repeated incidents of intrusive or unwanted acts that had a substantial adverse effect on Lopez’s security or privacy. *See* Minn. Stat. § 609.748, subd. 1(a)(1) (defining harassment).

Simpson also contends that Lopez lied in her petition seeking the HRO and throughout her testimony. The district court’s grant of an HRO shows that it credited Lopez’s testimony and not Simpson’s. Determining the weight to give the evidence and assessing witness credibility is in the exclusive province of the fact-finder. *See Hasnudeen v. Onan Corp.*, 552 N.W.2d 555, 557 (Minn. 1996) (stating that a reviewing court “traditionally accord[s] great deference to a [district] court’s findings of fact because it has

the advantage of hearing the testimony, assessing relative credibility of witnesses and acquiring a thorough understanding of the circumstances unique to the matter before it”). We therefore defer to the district court’s credibility determination.

In sum, Lopez’s testimony, as corroborated by Simpson’s spreadsheet, adequately supports the district court’s finding of harassment. *See* Minn. Stat. § 609.748, subd. 1(a)(1) (defining harassment).

## II.

Simpson contends that the district court erred by basing the issuance of the HRO on the spreadsheet that she created and offered at the hearing. She argues that she created the spreadsheet to show that Lopez was, in fact, harassing her. Simpson cites Minnesota Rule of Evidence 602 regarding adequate foundation and lack of personal knowledge, arguing that because Lopez did not create the spreadsheet, Lopez could not rely on it to support her petition for an HRO.

The issue that Simpson raises does not concern the admission of the spreadsheet. Indeed, Simpson cannot complain that the district court accepted an exhibit that she proffered. Instead, the issue is whether the district court erred by weighing Simpson’s own evidence against her. Simpson does not cite, and we are not aware of, any legal authority that prevented the district court from doing so. *See* CIVJIG 14.15 (instructing as to the burden of proof that “[t]his means that all of the evidence, *regardless of which party produced it*, must lead you to believe that the claim is more likely true than not true.” (emphasis added)). And as noted above, the spreadsheet was relevant to the issue before the court: whether Simpson harassed Lopez. *See* Minn. R. Evid. 401 (“‘Relevant’

evidence means evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable that it would be without the evidence.”); 402 (stating that “[a]ll relevant evidence is admissible”).

In sum, the district court did not err by basing its finding of harassment on the spreadsheet that Simpson submitted at the hearing.

### III.

Simpson contends that the district court violated her First Amendment rights because the HRO prohibited her from “recording” Lopez. Simpson does not provide legal argument or cite legal authority supporting her assertion that the HRO violates her First Amendment rights.

“An assignment of error based on mere assertion and not supported by any argument or authorities in appellant’s brief is waived and will not be considered on appeal unless prejudicial error is obvious on mere inspection.” *State v. Modern Recycling, Inc.*, 558 N.W.2d 770, 772 (Minn. App. 1997) (quotation omitted); *see State Dep’t of Lab. & Indus. by the Special Comp. Fund v. Wintz Parcel Drivers, Inc.*, 558 N.W.2d 480, 480 (Minn. 1997) (declining to reach issues inadequately briefed). A pro se party “is held to the standard of an attorney in presenting [an] appeal.” *Francis v. State*, 781 N.W.2d 892, 896 (Minn. 2010); *see Gruenhagen v. Larson*, 246 N.W.2d 565, 569 (Minn. 1976) (stating that generally, a court will not modify ordinary rules and procedures because a pro se party lacks the skills and knowledge of an attorney).

Because Simpson does not provide supporting argument or authorities in her brief and we do not observe obvious error, we do not consider her First-Amendment claim.

#### IV.

Simpson moves this court to strike police records that Lopez attached to her addendum on appeal, arguing that the records describe conduct that occurred *after* the hearing. The record on appeal consists of “[t]he documents filed in the [district] court, the exhibits, and the transcript of the proceedings, if any.” Minn. R. Civ. App. P. 110.01. Thus, Simpson is correct that the police reports are extra-record documents. We therefore grant Simpson’s motion to strike the police records.

Simpson also moves this court to supplement the record with a video to show that Lopez lied at the HRO hearing. If the record submitted is inaccurate or incomplete, a party may seek to correct or modify the record under Minn. R. Civ. App. P. 110.05. But “[r]ule 110.05 is limited to correction of the record so that it accurately reflects anything of material value that was omitted from the record by error or accident or is misstated in it.” *W. World Ins. Co. v. Anothén, Inc.*, 391 N.W.2d 70, 72 (Minn. App. 1986). “Although an appellate court is ordinarily limited to a consideration of matters contained in the record before it, we think it has inherent power to look beyond the record where the orderly administration of justice commends it.” *Crystal Beach Bay Ass’n v. Koochiching County*, 243 N.W.2d 40, 43 (Minn. 1976).

We do not look beyond the record here because the proffered video does not discredit the spreadsheet upon which the district court relied in granting the HRO. We therefore deny the motion to supplement the record as unnecessary.

**Affirmed.**